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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,521	12/15/2000	Brent D. Peterson	DAKTRONICS	2866

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EXAMINER

MAYES, MELVIN C

ART UNIT PAPER NUMBER

1734

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,521

Applicant(s)

PETERSON, BRENT D.

Examiner

Melvin Curtis Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(1)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(2)

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Erkel
6,185,850.

Erkel discloses a method comprising: providing a scoreboard 12; forming name slips by printing a material by a computer program and printer having label producing capabilities; and attaching the name slips to the scoreboard. The material to be printed can be material with adhesive backings (col. 5, lines 1-6).

Claim Rejections - 35 USC § 103

(3)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

(4)

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tice 2,257,518 in view of Coopriders et al. 5,972,155.

Tice discloses a method comprising: providing a scoreboard 11; and placing advertising matter 41 on the scoreboard Col. 4, lines 31-36). Tice does not disclose providing the advertising matter by printing a film using a digital printer and computer and applying the film to the scoreboard.

Coopriders et al. teach that an improved method for mounting advertising signage upon transparent and opaque vertical surfaces which does not interfere with the printing process, allows the signage to be repositionable, does not mark the surface upon which the signage is mounted, does not leave any residue and allows the signage to be mounted on a variety of surfaces comprising providing signage including an imprintable sheet, repositionable adhesive strips on the sheet and release liners covering the adhesive strip. The signage can be printed with a computer printer to produce high quality printing quickly and inexpensively, and after printing,

the release liners are removed to expose the adhesive strips for adhering to the mounting surface (col. 1-7).

It would have been obvious to one of ordinary skill in the art to have modified the method of Tice by providing and placing the advertising matter on the scoreboard by printing and applying an advertising signage sheet having repositionable adhesive and release liners, as taught by Coopridner, to apply to the vertical surface advertising signage which is repositionable, does not mark the surface upon which the signage is mounted and does not leave any residue. Providing the advertising matter as a printed signage sheet to be adhered to the scoreboard by repositionable adhesive would have been obvious to one of ordinary skill in the art to provide the scoreboard with advertising matter which is removable, does not mark the surface of the scoreboard and does not leave any residue when removed, as taught by Coopridner et al.

The use of a computer printer to print the advertising signage would have been obvious to one of ordinary skill in the art, as taught by Coopridner, to high quality print the signage quickly and inexpensively. By the use of a computer printer as taught by Coopridner, graphics are selected, formatted and input into a computer and the signage sheet printed with a digital printer, as claimed.

(5)

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers 2,065,624 in view of Coopridner et al. 5,972,155.

Summers discloses a method comprising: providing a scoreboard 10 providing with a rectangular space 13 reserved for advertising space in which advertising matter may be inserted

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(col. 1, lines 30-42). Summers does not disclose providing the advertising matter by printing a film using a digital printer and computer and applying the film to the scoreboard.

Cooprider et al. teach that an improved method for mounting advertising signage upon transparent and opaque vertical surfaces which does not interfere with the printing process, allows the signage to be repositionable, does not mark the surface upon which the signage is mounted, does not leave any residue and allows the signage to be mounted on a variety of surfaces comprising providing signage including an imprintable sheet, repositionable adhesive strips on the sheet and release liners covering the adhesive strip. The signage can be printed with a computer printer to product high quality printing quickly and inexpensively (col. 1-7).

It would have been obvious to one of ordinary skill in the art to have modified the method Summers by providing and placing the advertising matter on the scoreboard by printing and applying an advertising signage sheet having repositionable adhesive and release liners, as taught by Cooprider, to apply to the vertical surface advertising signage which is repositionable, does not mark the surface upon which the signage is mounted and does not leave any residue. Providing the advertising matter as a printed signage sheet to be adhered to the scoreboard by repositionable adhesive would have been obvious to one of ordinary skill in the art to provide the scoreboard with advertising matter which is removable, does not mark the surface of the scoreboard and does not leave any residue when removed, as taught by Cooprider et al.

The use of a computer printer to print the advertising signage would have been obvious to one of ordinary skill in the art, as taught by Cooprider, to high quality print the signage quickly and inexpensively. By the use of a computer printer, as taught by Cooprider, graphics are

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selected, formatted and input into a computer and the signage sheet printed with a digital printer, as claimed.

Conclusion

(6)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meaney et al. disclose adhesively attaching labels to a scoreboard.

Burrows et al. disclose adhesively securing printed advertising material to a wall having a scoreboard.

(7)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234.

The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
October 17, 2005